

EXHIBIT 5

From: Katz, Adam <akatz@goldbergsegalla.com>
Sent: Sunday, December 29, 2024 11:20 PM
To: Houghton-Larsen, M Annie
Cc: Governski, Meryl Conant; Nathan, Aaron E.
Subject: Re: Freeman, et al. v. Giuliani, 1:24-mc-00353: Dr. Ryan Deposition

*** EXTERNAL EMAIL ***

Thanks for the courtesy.

Can you let me know what documents you are missing or still seeking? I see that there is reference to some of them in the emails you sent me.

Thanks,
Adam

Sent from my iPhone

Adam Katz, Esq.

Partner

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On Dec 29, 2024, at 11:02 PM, Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com> wrote:

Adam,

It would be quite surprising if Dr. Ryan had not received any of our emails given that she had previously had no issues communicating with us on other matters through that very account. Additionally, had there been any technical issues, Dr. Ryan's subpoena was also mailed to her New Hampshire home address.

Putting that aside, as a courtesy, we are agreeable to holding Dr. Ryan's deposition by zoom on Tuesday December 31 as you propose. We will promptly change the arrangements for a 9 a.m. start on December 31 by zoom—I will get you and Dr. Ryan links as soon as it is arranged. Please understand that given the time constraints, we will not be able to agree to any further requests. I also note that we

will advise the Court should Dr. Ryan fail to make a complete production of responsive documents by December 31.

Thank you for working to reach a resolution on this,
Annie

M. Annie Houghton-Larsen
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Pronouns: she, her, hers

From: Katz, Adam <akatz@goldbergsegalla.com>
Sent: Sunday, December 29, 2024 10:33 PM
To: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>
Cc: Governski, Meryl Conant <MGovernski@willkie.com>; Nathan, Aaron E. <ANathan@willkie.com>
Subject: Re: Freeman, et al. v. Giuliani, 1:24-mc-00353: Dr. Ryan Deposition

*** EXTERNAL EMAIL ***

Ms. Houghton-Larsen:

I am, indeed, getting up to speed on the case and I was unaware of these emails and the order allowing alternative service. I am also still working through conflicts and firm approval on this matter.

Dr. Ryan insists she never received notice of the deposition and its date or the email reminders. I believe the latter might have been a technical issue on where the emails were routed. Based on the foregoing, if she never received the subpoena (or reminders) I don't think she waived her motion to quash or her position on the location of the deposition. We also disagree that she regularly conducted business in New York.

Despite all of this, Dr. Ryan is available via Zoom on Tuesday (12/31) morning, Thursday (1/2) and Friday (1/3) and is willing to proceed without me. If you are unwilling to accommodate this brief adjournment, (Mr. Giuliani's counsel or) I will need to seek court intervention. Given the late hour, I think this is more than reasonable, even if all of the communications set forth in your email are accurate.

Thanks,
Adam

Sent from my iPhone

Adam Katz, Esq.
Partner

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> On Dec 29, 2024, at 8:44 PM, Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com> wrote:

>

> Mr. Katz,

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> Thank you for your email. We understand that you are still getting up to speed on this matter. Please see a summary of events to date.

>

> On December 10, 2024, the Court granted Plaintiffs' motion to compel Dr. Ryan to produce all documents responsive to Plaintiffs' document subpoena (attached) (which was served on Dr. Ryan via delivery to her husband at Dr. Ryan's home address). That order (attached) also permitted Plaintiffs to serve Dr. Ryan by alternative means—specifically, by emailing her at the mariaryannh@gmail.com<<mailto:mariaryannh@gmail.com>> email address and by certified mail to her home address in New Hampshire. On December 11, we served that order and a deposition subpoena requiring Dr. Ryan's testimony in New York on December 30, 2024 (email and affidavit of service attached).

>

> We subsequently emailed Dr. Ryan regarding the subpoena at the mariaryannh@gmail.com<<mailto:mariaryannh@gmail.com>> email address on December 20 and 23 regarding her deficient production and deposition. Those emails are also attached.

>

> I also have attached the Court's order dated December 20 providing that "No witness will be permitted to testify unless that witness has made full compliance with any interrogatories or document requests and shall have submitted himself or herself to a noticed deposition by December 31, 2024, absent a showing of good cause." I am also attaching Mr. Giuliani's witness list submitted to the Court on December 23, which states that he intends to call Dr. Ryan as a witness at the January 16 trial.

>

> As you can see, we properly served Dr. Ryan with a deposition subpoena for December 30, 2024 and even provided reminders to Dr. Ryan. The time to move to quash has passed, and thus Dr. Ryan's objection to the place of the deposition is waived. Even if it were not waived, the objection would be improper, including because, pursuant to FRCP 45(c)(1)(A), Dr. Ryan regularly conducts business in person in New York.

>

> Given the long history set forth above and the Court's order that all productions and depositions must be completed by December 31, 2024, we are unable to grant your request that the deposition take place after January 6, 2025. However, we will agree to conduct the deposition by video tomorrow, December, 30, 2024, and will follow up with a Zoom link as soon as we are able, likely first thing tomorrow morning. If this is not a workable solution, you will need to take the matter up with the court. We will not consent to any extension, and you should attach this email to represent our position.

>

> Thank you,

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>

> M. Annie Houghton-Larsen

> Willkie Farr & Gallagher LLP

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> Pronouns: she, her, hers
>
> From: Nathan, Aaron E. <ANathan@willkie.com>
> Sent: Sunday, December 29, 2024 8:01 PM
> To: Katz, Adam <akatz@goldbergsegalla.com>
> Cc: Governski, Meryl Conant <MGovernski@willkie.com>; Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>
> Subject: RE: Freeman, et al. v. Giuliani, 1:24-mc-00353: Dr. Ryan Deposition
>
> Mr. Katz: please expect a response shortly from my colleague, Ms. Houghton-Larsen. Going forward,
please keep Ms. Houghton-Larsen, Ms. Governski, and myself cc'ed on all correspondence. Thanks -
>
>
> Aaron E. Nathan
> Willkie Farr & Gallagher LLP
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> From: Katz, Adam <akatz@goldbergsegalla.com<mailto:akatz@goldbergsegalla.com>>
> Sent: Sunday, December 29, 2024 7:19 PM
> To: Nathan, Aaron E. <ANathan@willkie.com<mailto:ANathan@willkie.com>>
> Subject: Freeman, et al. v. Giuliani, 1:24-mc-00353: Dr. Ryan Deposition
>
> *** EXTERNAL EMAIL ***
>
> Mr. Nathan:
>
> My name is Adam Katz and I am in the process of being retained by Dr. Maria Ryan in the above-
referenced action. Dr. Ryan was informed today by Mr. Giuliani's attorney that there is a subpoena for
her deposition in New York scheduled for tomorrow. Other than this message from the attorney, to
date, she has not received a copy of the subpoena.
>
> Dr. Ryan was not served with this subpoena or aware of this subpoena, so she cannot and will not
proceed tomorrow. Moreover, Dr. Ryan resides in New Hampshire-- more than 100 miles from New York
City, so based on my understanding of the subpoena, this subpoena is improper pursuant to Fed. R. Civ.
P. 45.
>
> Notwithstanding the foregoing, Dr. Ryan is willing to appear via Zoom or in New Hampshire for her
deposition after January 6, 2025. I am out of the country from January 2, 2025 through January 6, 2025,
and Dr. Ryan is observing the Epiphany period between Christmas and January 6, 2025.
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> Please let me know your availability to discuss scheduling this deposition.
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> Thanks,
> Adam

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> Adam
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> Katz
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